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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,400	02/26/2004	Ying Hung Li	HKPC/379/US	4525
2543	7590	09/29/2005	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,400

Applicant(s)

LI ET AL.

Examiner

Gunyoung T. Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because in line 6, there is a document file address "G:\1wpdocs\Tjm\HKPC.379.US specification.doc". Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 4 is objected to because there is lack of proper antecedent basis in the claim: "said first and second Fresnel lens portions" in lines 1-2 of claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (US 6,157,500).

7. In regards to claims 1, 2 and 4, Yamazaki et al. discloses a particle analyzer with a composite lens having:

- A light source (Fig. 2, 1) which emits divergent directional light around an optical axis;

Art Unit: 2875

- A Fresnel lens (Fig. 11, 15') (col. 4, lines 41-45) having a central portion (15'a) with a first focal length surrounded by a peripheral Fresnel lens (15'b) portion having a second focal length (col. 3, lines 48-53);
- Wherein the second focal length is greater than the first focal length (like the first embodiment shown in Fig. 1) (col. 6, lines 41-45);
- Wherein the light source (Fig. 1, 1) is arranged a distance from the Fresnel lens (15) with the optical axis of the light source perpendicular to and centered on the Fresnel lens (15);
- Wherein the Fresnel lens (Fig. 1(b)) has an inside surface defining Fresnel lens features and an axially opposed outside surface that is substantially planar;
- Wherein the first and second Fresnel lens portions are integrally molded at the same time (Fig. 6, (c)) (col. 10, lines 55-63).

However, Yamazaki et al. do not expressly disclose that the distance (between the light source and the Fresnel lens) is equal to or greater than the first focal distance and less than or equal to the second focal distance (claim 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to position the light source at a desired/optimal distance which is equal to or greater than the first focal distance and less than or equal to the second focal distance, since it is not inventive to discover the optimum or workable ranges by routine experimentation (*In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)).

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (US 6,157,500) as applied to claim 1 above, and further in view of Martineau (US 2002/0105801).

9. In regards to claim 3, Yamazaki et al. disclose the invention substantially as claimed except for an LED light source. Martineau discloses a single optical element (Fig. 1) having LED light source (20) and Fresnel lens (5). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the LED light source of Martineau for the particle analyzer of Yamazaki et al. to provide directional light around the optical axis of a Fresnel lens at a low cost.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morrison (US 1,339,604), Godbillon et al. (US 6,264,347) and Yamazaki et al. (US 6,409,141) show lighting devices having a lens with plural sections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached on 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
9/26/2005



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800